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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. *2011-796*

12 **MARSHA ANN GEORGE**
13 305 Vineyard Town Center #137
14 Morgan Hill, CA 95037

A C C U S A T I O N

15 **Registered Nurse License No. 609588**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about November 20, 2002, the Board of Registered Nursing issued Registered
23 Nurse License Number 609588 to Marsha Ann George (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought in this Accusation
25 and will expire on April 30, 2012, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code (Code) unless otherwise indicated.

2 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
3 any licensee, including a licensee holding a temporary or an inactive license, for any reason
4 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license. Under section 2811,
8 subdivision (b), of the Code, the Board may renew an expired license at any time within eight
9 years after the expiration.

10 6. Section 118, subdivision (b) of the Code provides that the expiration of a license shall
11 not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
12 within which the license may be renewed, restored, reissued or reinstated.

13 STATUTORY PROVISIONS

14 7. Section 2761 of the Code states, in pertinent part:

15 "The board may take disciplinary action against a certified or licensed nurse or deny an
16 application for a certificate or license for any of the following:

17 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

18 ...

19 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
20 against a health care professional license or certificate by another state or territory of the United
21 States, by any other government agency, or by another California health care professional
22 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
23 action."

24 COST RECOVERY

25 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Out of State Discipline)
(Bus. & Prof. Code § 2761, subd. (a)(4))

9. Respondent has subjected her registered nurse license to discipline under Code section 2761, subdivision (a)(4), because on or about March 15, 2008, in a disciplinary action before the Nevada State Board of Nursing (Nevada Board), the Nevada Board issued its Findings of Fact, Conclusions of Law, and Order (Order) reprimanding Respondent's Nevada nursing license. In addition, the Order required Respondent to take and successfully complete within six months a course on medication error detection and prevention. The Order is incorporated by reference as if fully set forth.

10. The underlying conduct supporting the Nevada Board's disciplinary action is that on May 3, 2007, while working as a registered nurse at a Nevada hospital, Respondent engaged in unprofessional conduct and failed to perform nursing functions in a manner consistent with established or customary standards. Respondent failed to check a patient's intravenous fluids, and incorrectly documented that 2 grams of magnesium sulfate, instead of 40 grams of magnesium sulfate, were added to the liter of normal saline that was infusing into the patient at 200 milliliters per hour. Respondent assumed care of the patient at approximately 7:40 p.m. At approximately 9:30 p.m., the patient vomited and developed hypotension. At approximately 11:00 p.m., the patient became obtunded, was intubated, and placed on a ventilator. On May 12, 2007, the patient died.

PRAYER

THEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation and that following the hearing, the Board of Registered Nursing issue a decision:

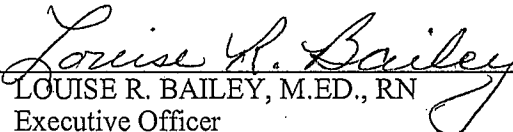
1. Revoking or suspending Registered Nurse License Number 609588, issued to Marsha Ann George;
2. Ordering Marsha Ann George to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: March 22, 2011


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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